

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

PHILOS TECHNOLOGIES, INC.,        )  
                                        )  
                                        )  
Plaintiff,                         )      No. 08 C 7240  
                                        )  
                                        )  
v.                                    )  
                                        )  
                                        )  
PHILOS & D, INC., et al.,        )  
                                        )  
                                        )  
Defendants.                        )

MEMORANDUM ORDER

Experience teaches the unwisdom of permitting any case on a judge's calendar to be without a specific next date, whether for substantive action or for simply a status hearing. This case could serve as a poster child for that proposition, with the added fillip that once a case is no longer pending, the risks created by the absence of a schedule are exacerbated.

In this instance this action is indeed no longer "pending" in this Court, because this Court's September 25, 2012 Findings of Fact and Conclusions of Law culminated in the dismissal of the action for lack of personal jurisdiction. That left for resolution the motion of defendants for sanctions against Philos Technologies, Inc. ("Philos Tech") and each of its attorneys, a motion that this Court's extended May 8, 2013 memorandum opinion and order granted as to Philos Tech but denied as applied to its attorneys.

Thereafter this Court held a few status hearings at the

behest of the parties, during the last of which (on July 12) counsel reported on the posture of the pending appeal before our Court of Appeals and asked, because the situation there was fluid, that this Court take the pending motion off this Court's active calendar and wait to hear from the parties. More than two months have elapsed since that hearing without a word from counsel, reconfirming the unwisdom referred to at the beginning of this memorandum order. That will not do--instead a status hearing is ordered to be held at 9:15 a.m. September 27, 2013 so that this Court can learn the current prognosis and what if anything it should be doing on the matter.



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Milton I. Shadur  
Senior United States District Judge

Date: September 20, 2013